

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CRAIG BENT,

Plaintiff,

v.

Case No: 6:21-cv-75-WWB-EJK

KEVIN WILSON and ROBERT RILEY,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Defendants' Amended Opposed Motion to Dismiss (Doc. 24). United States Magistrate Judge Embry J. Kidd submitted a Report and Recommendation (Doc. 35), in which he recommends that the Motion be granted in part and denied in part. Plaintiff did not object to the Report and Recommendation. Instead, Plaintiff filed an Amended Complaint (Doc. 38). However, Plaintiff's Amended Complaint fails to comply with Federal Rule of Civil Procedure 15(a). Additionally, the Court notes that the Amended Complaint is an impermissible shotgun pleading that would be subject to immediate dismissal. *See Weiland v. Palm Beach Cnty. Sheriff's Office*, 792 F.3d 1313, 1321 (11th Cir. 2015); *Ferrell v. Durbin*, 311 F. App'x 253, 259 n.8 (11th Cir. 2009). Therefore, it will be stricken.

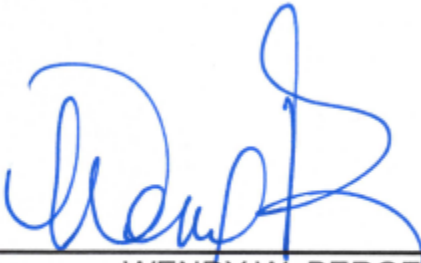
After an independent de novo review of the record, and noting that no objections were timely filed, this Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Amended Complaint (Doc. 38) is **STRICKEN**.

2. The Report and Recommendation (Doc. 35) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
3. Defendants' Amended Opposed Motion to Dismiss (Doc. 24) is **GRANTED in part** as set forth in the Report and Recommendation and **DENIED** in all other respects.
4. Count I of the Complaint (Doc. 1) is **DISMISSED with prejudice** and Count III is **DISMISSED without prejudice**.
5. On or before **September 15, 2021**, Plaintiff may file an amended pleading in accordance with the Report and Recommendation and this Order. Failure to timely file an amended pleading that corrects the deficiencies noted in the Report and Recommendation and this Order and that complies with all applicable rules and orders may result in the dismissal of this case without further notice.

DONE AND ORDERED in Orlando, Florida on September 1, 2021.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record